

**Department of Permitting and Environmental Review (Permitting)**

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## Water Problems

Permitting Customer  
Information Bulletin #**37****• FREQUENTLY ASKED QUESTIONS •**

*Visit the Permitting Web site at  
[www.kingcounty.gov/permits](http://www.kingcounty.gov/permits)  
for more information*

King County Permitting has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult King County staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.

For alternate formats, call 206-296-6600.

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**Flooding, drainage, and associated water problem questions**

This bulletin is intended to help customers find the agency, office, or person who may have the answers needed for common drainage problems, questions, and situations. In unincorporated King County, several agencies at different levels of government deal with drainage problems relating to flooding or water quality. (See the directory on pages five to seven of this bulletin.) When calling an agency, have the correct address or an approximate location for the problem, and identify whether or not the site is outside the limits of any city. It is helpful if customers also have a Parcel Number; section, township, and range; legal description; development name; or location on a topographic map or stream map.

**Who is responsible and what can be done?**

In most cases, government regulations do not establish responsibilities for landowners to convey and control surface water runoff. Legal principles relating to surface water problems have largely been judicially determined and form part of the Common Law of Washington. There are, however, specific drainage requirements for those who apply for development permits. Property owners may have legal responsibility to accept normal or historic surface runoff and convey it across their property to the "natural" point of discharge.

**Is approval required when working with culverts, ditches and streams?**

Historically, within King County, numerous streams have been culverted and rerouted into drainage swales, drainage ditches, and roadside ditch systems to accommodate development. King County contains several hundred miles of these rerouted streams, which are still used by salmonids, or flow into salmonid-bearing waters. As such, many of these "ditches" have been designated as streams and have been accorded the same protection as unaltered stream systems under the Critical Areas Code [Chapter 21A.06.1240 of the King County Code (KCC)]. If customers have a question about a "ditch" on a property, they should call Permitting Services

Center at 206-296-6600 and speak to an Environmental Scientist. Any work in a designated stream will also require that applicants receive an approved Hydraulic Project Approval (HPA) from the WDFW.

For any stream work approved by King County, customers will also need to apply for a HPA from the WDFW. Applicants will need to provide Permitting with an issued HPA prior to approving any stream-related permit. Please be aware that King County and the WDFW use different criteria when reviewing stream crossings [Chapter 21A.24.370 of the KCC]. King County uses stricter criteria than the WDFW when reviewing stream crossings so HPAs reviewed and approved by the WDFW will not necessarily be approved by King County. Therefore, please ensure that the stream crossing plan submitted on the HPA meets all criteria for streams requiring fish passage by referring to the KC Surface Water Manual, 1998 (Chapter 4.3.2 - 4.3.3.2). Approved HPAs that fail to meet King County standards will not be accepted by King County.

It is beyond the scope of this bulletin to explain and illustrate the often-complex issues of responsibility, causes, and liability for drainage problems and damages.

### **The following scenarios of typical drainage problems include common concerns:**

#### **“There is a big supermarket being built on top of the hill and now water is backing up in my yard - who can I call?”**

Commercial construction in unincorporated King County is regulated by development standards under a Commercial Building Permit. A King County Inspector is assigned a number of such projects. Property owners should report the drainage problem to the contractor at the job site, and telephone an Inspector at the Department of Permitting at 206-296-6630

**Note:** For road drainage emergencies call 206-296-8100, 24-hours a day, or toll-free at 1-800-KC-ROADS.

#### **“The culvert in the road in front of my house is discharging water into my yard and causing damage—what can I do?”**

The King County Department of Transportation (DOT) Road Services Division maintains King County roads, as well as ditching and culverts within the King County-maintained road Right-of-Way. Property owners may call their King County Field Operations Section at 206-296-8100, or 1-800-KC-ROADS, 24 hours a day. A permanent solution may require a Right-of-Way Use Permit from the Department of Permitting. Call Permitting at 206-296-6600 for information.

If the drainage problem is not related to a King County road, call King County DNRP Water and Land Resources Division (WLRD) Drainage Investigation Unit at 206-296-1900.

If the problem culvert is located in a road that is not King County-maintained, King County Road Services may have limited information to provide, and property owners may have to seek other recourse. Customers may also call the King County DNRP Drainage Investigation Unit 206-477-4811 where they will be referred technical information.

#### **“My neighbor is clearing part of his property, and it’s causing flooding on my land, OR My neighbor is installing a new pipe on his property and pointing it at my property—who do I contact?”**

Talk to the neighbor first. Not every kind of activity on the land requires a permit or an agency review. Many activities are considered private, civil matters between property owners. Generally, clearing and/or grading complaints should be referred to Permitting’s Code Enforcement Group by calling 206-296-6680. For drainage complaints not related to roads, call WLRD’s Drainage Investigation Unit at 206-477-4811. If there are notices (fluorescent, colored

forms, or 4' x 4' signboards) on the property, the activity may be related to a proposed development. Call the number shown on the notice.

**“I would like to fill in the drainage ditch in front of my house — how can it be done?”**

First, check with King County Permitting staff at 206-296-6600. The State of Washington Department of Fish and Wildlife (WDFW) may need to be notified to ensure the ditch is not designated as State water under its jurisdiction. They can be reached at 425-775-1311. If it is a state water issue under WDFW's management, it will require a Hydraulic Project Approval.

If customers are planning to put in a culvert and fill in part of the ditch for a single driveway connection within a King County right-of-way, they do not need a Right-of-Way Use Permit from King County. See Chapter 14.28.020(A) of the King County Code (KCC) for more information, or contact the Permitting Services Center at 206-296-6600 for further assistance. Please note the entire text of the KCC is available via the Permitting Web site at [www.kingcounty.gov/permits](http://www.kingcounty.gov/permits).

Driveways and culverts must, however, be constructed according to King County Road Standards (KCRS). More than one driveway per parcel may require permission from the Department of Permitting at 206-296-6600. Customers can obtain a copy of the driveway standards from the technicians at the permitting Services Center. This information and forms are available via the Permitting Web site at [www.kingcounty.gov/permits](http://www.kingcounty.gov/permits), the Permitting Services Center Information Line at 206-296-6600 and in the Permitting office in Snoqualmie, WA.

If applicants are planning more than one driveway per parcel, or plan to fill in the entire ditch along a King County road, they must apply for a Right-of-Way Use Permit from the Department of Permitting. See Bulletin 31, *Right-of-Way Use Permits*, for more information.

**“I want to put pipe in the drainage easement in my yard and fill in the existing ditch—Can It Be Done?”**

Again, check with Permitting Services Center staff at 206-296-6600 and the WDFW at 425-775-1311 to verify the ditch is not designated as state water or a King County regulated stream.

Ditches should be left open as drainage swales for biofiltration and water quality purposes. If property owners live in a subdivision, piping the ditch may not even be allowed. Check the plat and approved plans on file at the King County Road Services Map Counter, King Street Center Building, 206-296-6548, for any restrictions before beginning construction. Please note the following locations where the various types of necessary maps may be obtained:

206-296-6590	Map Counter for DOT (Road Planning)
206-296-7300	Map Counter for King County Assessor's Office
206-296-1570	Map Counter for Recorder's Office (Plats and Surveys)

Any modifications to drainage easements should be coordinated through Permitting Services Center at 206-296-6600. Work in King County drainage easements requires a Special Use Permit. To review the requirements of this permit, call the Asset Management Division at 206-296-7456. A Clearing/Grading Permit may be required to work within a private drainage easement. Please call 206-296-6600 for more information.

Note: Because property owners may be assuming liability for this work, they should check for recorded lot restrictions and consult with a private professional Engineer to ensure that problems will not be caused by the proposed modifications.

**“I want to develop my property, but I would like to find out about drainage requirements before I apply for a permit - Who Should I Call?”**

Answers to questions of this nature are generally too complex to settle over the telephone. Study other Permitting customer information bulletins for information regarding the type of development considered, especially Bulletin 29, *Drainage Review*, to help determine if such a review will be required. Drainage requirements will vary throughout King County due to soils, slopes, drainage features, and a history of problems, past and present.

Property owners should consult a professional engineer and the *King County Surface Water Design Manual* for detailed drainage review requirements. If the development activity necessitates altering a stream or its buffer, contact Permitting Services Center at 206-296-6600 and WDFW at 425-775-1311 for Hydraulic Project Approval requirements. If this research does not answer specific questions, contact the King County Water and Land Resources Division at 206-296-6519 or refer to Bulletin 29, *Drainage Review*.

**“Who should I call for information about work in a stream channel or rerouting a stream?”**

In most cases, a Clearing/Grading Permit will be required, and critical area regulations will be involved. It is important to contact an Environmental Scientist in the Permitting Services Center before work begins. Please call 206-296-6600. The State of Washington Department of Fish and Wildlife (WDFW) at 425-775-1311 is also a responsible agency for the preservation of the natural habitat of both migratory and resident trout and salmon. This department's jurisdiction extends to the seasonal drainways flowing into these habitats. A person or agency planning to construct any form of hydraulic project or other project that will use, divert, obstruct, or change the natural flow or bed of any river or stream, or that will use any state waters or materials from the stream beds, must first obtain a permit from one of these agencies. A permit may also be required under the King County Master Shorelines Program at 206-296-6600.

The King County Storm Water Services Division of the Department of Natural Resources and Parks (DNRP) at 206-296-6519 can also provide helpful advice.

Note: The Regulatory Branch of the U.S. Army Corps of Engineers (206-764-3495) must be contacted if the project involves placement of fill in federal waters or adjacent wetlands.

**“I’m getting a lot of muddy water on my property, and I don’t know exactly where it’s coming from. Who can help?”**

If property owners cannot determine the source of the drainage problem affecting a property, call the Permitting Services Center at 206-296-6600. They will log in and investigate a complaint, then forward it to the appropriate agency. They will also refer callers directly to other resources. Additional assistance can be provided by the Permitting Services Center at 206-296-6642 and the Northwest office of the Washington State Department of Ecology (DOE) at 425-649-7000.

**Other common problems include the following:**

Question: **“A neighbor is filling in a wetland or lake.”**

Answer: This could be a grading, and/or shorelines, and/or critical areas violation. Call the Permitting Code Enforcement at 206-296-6680 and the DNRP Storm Water Services Unit at 206-296-6519. This could also be a Federal Hydraulic or Clean Water Act (Section 404) violation; therefore, it would be prudent to call WDFW (425-775-1311) or the U.S. Army Corps of Engineers (206-764-3495).

Question: **“I’m noticing more run off water now that a development is going in upstream from my property.”**

Answer: Permits applied for from 1975 to 1989 generally require developers to control surface water to comply with predevelopment release rates for ten-year storms. Permits applied for beginning in 1990 require more stringent controls for two and ten-year storms. However, the rate of flow for storms greater than a ten-year storm is not regulated to comply with predevelopment release rates. Even though the release rate is controlled to minimize flooding and other downstream impacts, the amount of water will increase. If property owners observe a noticeable change in the normal rate of flow, and it is causing property damage or creating a hazard, then determine the type of development it is coming from, and call the Permitting Services Center at 206-296-6600 or the Drainage Investigation Unit at 206-477-4811.

Question: **“A neighbor is filling in a floodplain along a river, and water may back up onto my property.”**

Answer: Earthwork within the floodplains of unincorporated King County is subject to clearing and grading and critical area provisions, the King County Code, and the Shorelines Management Program. Call the Permitting Services Center at 206-296-6600 to find out whether a permit has been issued for the activity. They can tell customers whether they need to contact any of the other agencies listed on pages five to seven of this bulletin.

Question: **“I would like to do something to protect my waterfront land from shoreline erosion.”**

Answer: Shoreline stabilization work usually requires a Clearing and Grading Permit, as well as a Building Permit for a retaining wall. Call Permitting Services Center at 206-296-6600 for information. The application is also reviewed by critical areas staff, and it may be subject to the Shorelines Management Program, depending on the water body and its location. Approval of WDFW and of the U.S. Army Corps of Engineers may also be required.

Question: **“A drainage ditch in an easement along my property line is overflowing and causing flooding.”**

Answer: Contact the King County WLRD Drainage Investigation Unit at 206-477-4811.

Question: **“Water is flowing off a King County street, eroding my driveway, and flooding my property.”**

Answer: Not all King County roads were developed with ditches or drainage systems. Even with them, street runoff can overflow. Low properties often have to deal with some road and street flow. If a plugged culvert is contributing to the problem, call the King County Department of Transportation (DOT) Road Services at 206-296-8100 or call 1-800-KC-ROADS. Contact the King County WLRD Drainage Investigation Unit at 206-477-4811 if customers are uncertain of the source of the water or who is responsible for managing it.

Question: **“A drainage pond (retention/detention facility) is full and it doesn’t drain. It’s a safety hazard, especially for children, OR, the pond stands empty and ugly all summer.”**

Answer: Many ponds have been constructed to control surface water runoff. King County maintains most residential retention/detention ponds. Property owners must maintain retention/detention ponds for apartments and commercial developments. Standing water and fluctuating water depths are normal when the retention/detention facility is functioning properly. An empty pond, especially after a heavy rainstorm, may not function properly. Call the King County Water Land and Resources Division (WLRD) for more information at 206-477-4811.

Directory of agencies working with water problem questions		
Situation:	Agency:	Contact/Phone:
Flooding and Disaster Emergency	King County Department of Transportation Road Services	Office of Emergency Services 206-296-3830  King County Flood Warning Center 206-296-4535, 1-800-768-7932 (Toll-Free) 1-800-KC-ROADS (Toll-Free 24 hours)
	State of Washington Department of Fish and Wildlife	Region 4 Mill Creek Office 425-775-1311
Drainage From King County Maintained Roads and Any Flooding Emergency	King County Road Services	Maintenance Unit 206-296-8100 or 1-800-KC-ROADS (Toll-Free 24 hours)
Drainage From King County Maintained Facilities Other Than Roadways	King County Department of Natural Resources and Parks Water and Land Resources Division	Drainage Investigation Unit 206-477-4811
Drainage From an Activity Involving a Commercial Development or Subdivision Under Construction (New Development)	King County Department of Permitting and Environmental Review	206-296-6600
Drainage From a Single Residential Building Under Construction	King County Department of Permitting and Environmental Review	Residential Inspections 206-296-6630

Directory of Agencies Working With Water Problem Questions (Continued)		
Situation:	Agency:	Contact/Phone:
Drainage From an Non-Permitted Activity Requiring a Development Permit	King County Department of Permitting and Environmental Review	Code Enforcement 206-296-6680 1-888-437-4771 (Toll-Free 24 hour Emergency Line)
Drainage From an Existing Development Site (After Final Inspection of Development)	King County Department of Natural Resources and Parks Water and Land Resources Division	Drainage Investigation Unit 206-477-4811
Utilities Development: Underground Trenching For Sewer, Cable, Etc. (Within King County Right-of-Way)  (Outside King County Right-of-Way)	King County Department of Transportation Road Services	Utility Inspection Unit 206-296-8122
	King County Department of Permitting and Environmental Review	206-296-6600
Streams, Lakes: Projects In Or Near a Water Body	King County Department of Permitting and Environmental Review	Shorelines Program 206-296-6600  Critical Areas Unit 206-296-6759
	U.S. Army Corps of Engineers	Regulatory Branch 206-764-3495
	State of Washington Department of Fish and Wildlife	Region 4 Mill Creek Office 425-775-1311  24-hour Emergency Line - Olympia Office 360-902-2537



Directory of agencies working with water problem questions (Continued)		
Situation:	Agency:	Contact/Phone:
Streams, Lakes: Fish and Wildlife Habitat	King County Department of Natural Resources and Parks Water and Land Resources Division	Storm Water Services 206-296-6519
	State of Washington Department of Fish and Wildlife	Region 4 Mill Creek Office 425-775-1311  24 hour Emergency Line - Olympia Office 360-902-2537
	U.S. Army Corps of Engineers	Regulatory Branch 206-764-3495
Navigation	U.S. Army Corps of Engineers	Navigation and Plant Branch 206-764-3400
Wetlands	King County Department of Permitting and Environmental Review	Wetlands 206-296-6600
	Washington State Department of Ecology	Wetlands/Environmental Assistance 425-649-7244
	U.S. Army Corps of Engineers	Regulatory Branch 206-764-3495
Water Quality: Bodies of Water, Sewage Operations, Water Pollution (Includes Gutters, Storm Drains, Lake and Stream Habitats and Residential Dwellings)	King County Department of Natural Resources and Parks Water and Land Resources Division	Wastewater Treatment Division 206-684-1280  Water Quality Program 206-296-6519
	Washington State Department of Ecology	Water Quality Program 425-649-7000



Directory of agencies working with water problem questions (Continued)		
Situation:	Agency:	Contact/Phone:
Water Quality: Surface and Groundwater Pollution, Well Construction	Public Health Department – Seattle King County	Environmental Health Division 206-477-8050
	Washington State Department of Ecology – Northwest Regional Office	Water Quality Program 425-649-7000  Water Well Inspector 425-649-7000
Flooding Aftermath and Cleanup: Building, Wells	Public Health Department – Seattle King County	Environmental Health Division 206-205-4394
Building Permits: Repairs, Demolition, Relocation	King County Department of Permitting and Environmental Review	206-296-6600
On-Site Sewage	Public Health Department – Seattle King County	Environmental Health Division 206-477-8050

### Other bulletins that may be helpful

Bulletin 1	Building and Development Permit Telephone Numbers
Bulletin 10	Residential Building On or Near Waterfront: Additional Requirements
Bulletin 16	Shoreline Erosion Control
Bulletin 21	Critical Areas Review
Bulletin 28	Clearing and Grading Permits
Bulletin 29	Drainage Review
Bulletin 31	Right-of-Way Use Permits

These and other Permitting bulletins are available via the Permitting Web site at [www.kingcounty.gov/permits](http://www.kingcounty.gov/permits).

206-296-6600

Permitting Services Center Information



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King County complies with the Americans with Disabilities Act (ADA). If you require an accommodation to attend a meeting (two weeks' notice) or require this information in Braille, audiocassette, or large print, please call 206-296-6600 or TTY 206-296-7217.